

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## FILING COMPLETION UNDER RULE 53(f)

( NOT PCT Applications)  
For Design, Provisional, or Utility Applications#3  
PATENT  
APPLICATIONCOMPLETION Under  
Rule 53(f)

In re PATENT APPLICATION of

Inventor(s): DUSCH et al.

Attn: Application Division

Appln. No.: 09 | 456,306  
Series Code ↑ | Serial No. ↑Atty. Dkt. PM 265182 | 990159BT  
M# | Client Ref

Filed: December 8, 1999

Title: Novel nucleotide sequences coding for the poxB gene

Hon. Asst. Commissioner of Patents  
Washington, DC 20231

Date: March 14, 2000

Sir:

The following completes the filing under Rule 53(f) of the above-identified patent application:

1. **Notice to File Missing Parts** ☒ copy attached ☐ not yet received
2. ☒ Signed Declaration attached. ☒ Original ☐ Facsimile/Copy

(Always "X" box 2 if filing signed Declaration and

"X" box 2A only if top box of the Declaration is X'd and file application copy, or"X" box 2B only if none of the top three boxes of the Declaration is X'd.)

- 2A. ☐ Attached: Original signed Declaration with attached specification (including claim(s)) which is a copy of specification and claim(s) originally filed to secure the above filing date.
- 2B. ☐ The original application as filed in the PTO on the above filing date is the application which each inventor executed by signing the attached Rule 63 Declaration.
3. ☒ Specification originally filed in non-English language; hence verified translation attached of:
- a. ☒ Abstract
- b. # 33 pages of Specification (only spec. & claims)
- c. ☒ Drawing 1 Fig(s).
4. ☐ Letter filing formal drawing attached.

5. ☒ Attached is an assignment and cover sheet. Please return the recorded assignment to the undersigned.

6. **DOMESTIC/INTERNATIONAL** priority is claimed under 35 USC 119(e)/120/365(c) based on the following provisional, nonprovisional and/or PCT international application(s):

Application No.	Filing Date	Application No.	Filing Date
(1)		(2)	
(3)		(4)	
(5)		(6)	

7. **FOREIGN** priority is claimed under 35 USC 119(a)-(d)/365(b) based on filing in Germany

Application No.	Filing Date	Application No.	Filing Date
(1) 199 51 975.7	October 28, 1999	(2)	
(3)		(4)	
(5)		(6)	



Completion Under Rule 53(b)

9. \_\_\_\_\_ (No.) Certified copy (copies): ☐ attached; ☐ previously filed (date) \_\_\_\_\_  
in U.S. Application No. \_\_\_\_\_ / \_\_\_\_\_ filed on \_\_\_\_\_
10. ☐ Attached: \_\_\_\_\_ (No.) Verified Statement(s) establishing "small entity" status under Rules 9 & 27.
11. ☒ Attached: Sequence Listing in Paper and Computer Readable Form
12. ☒ Preliminary Amendment:

**THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED**

				Large/Small Entity		Fee Code
13. Basic Filing Fee . . . . . Design Application				\$310/\$155		106/26
Not Design Application				\$690/\$345	+760	101/201
14. Total Effective Claims	32	minus 20 =	12	x \$18/\$9	+216	103/203
15. Independent Claims	3	minus 3 =	0	x \$78/\$39	+0	102/202
16. If any proper multiple dependent claim (ignore improper) is present, (Leave this line blank if this is a reissue application)				\$260/\$130	+260	104/204
17. Surcharge for filing Declaration/filing fee late				\$130/\$65	+130	105/205
18. FILING FEE ENCLOSED =				\$1366		
19. Original due date: March 20, 2000						
20. Petition is hereby made to extend the original due date to (1 mo)				\$110/\$55 =	+0	115/215
cover the date this response is filed for which the requisite fee (2mos)				\$380/\$190 =		116/216
is attached (3mos)				\$870/\$435 =		117/217
(4mos)				\$1360/\$680 =		118/218
21. If "non-English" box 3 is X'd, add Rule 17(k) processing fee . . . . .				\$130	+130	139
22. If "assignment" box 5 is X'd, add recording fee . . . . .				\$40	+40	581
23. Petition Fee for				\$130	+0	
24. TOTAL FEE ENCLOSED =				\$1536		

Our Deposit Account No. 03-3975

Our Order No. 21123

265182

C#

M#

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This **CHARGE STATEMENT** does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Pillsbury Madison & Sutro LLP  
Intellectual Property Group**

1100 New York Avenue, NW  
Ninth Floor  
Washington, DC 20005-3918  
Tel: (202) 861-3000  
Atty/Sec: ASH/maf

By Atty: Ann S. HobbsReg. No. 36830Sig: Fax: (202) 822-0944Tel: (202) 861-3063**NOTE: File in duplicate with PTO receipt (PAT-103A) and attachments**



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/456,306	12/08/99	MUSCH	PM-365182

PILLSBURY MADISON & SUTRO LLP  
INTELLECTUAL PROPERTY GROUP  
1100 NEW YORK AVENUE NW  
NINTH FLOOR EAST TOWER  
WASHINGTON DC 20005-3918



NOT ASSIGNED

DATE MAILED:

01/19/00

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 1098.00.

- ☒ 1. The statutory basic filing fee is:  
☐ missing.  
☐ insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☒ 2. The following additional claims fees are due:

\$ \_\_\_\_\_ for \_\_\_\_\_ total claims over 20.

\$ 78.00 for 1 independent claims over 3.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:

☒ is missing or unsigned.

☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

- ☒ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

*L. Lyson*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

15/2000. PROSRMOL 00000091 09456306

760.00  
130.00  
130.00  
216.00  
260.00  
5 FC:104